



0349 69065

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In U.S. Application of:

Applicant: Harold Ray Bettencourt, Jr. et al.

Serial No.: 10/763,515

Conf No.: not yet assigned

Filed: January 23, 2004

For: CONTROL FOR COOLING FAN

Art Unit: not yet assigned

Examiner: not yet assigned

)
)
) I hereby certify that this paper is being deposited with the
) United States Postal Service as FIRST-CLASS mail in an
) envelope addressed to: Commissioner for Patents, P.O.
) Box 1450, Alexandria, VA 22313-1450, on this date.

)
)
) 5/18/04
) Date

)
)
) Joseph P. Fox
) Attorney for Applicant(s)
) Registration No. 41,760

TRANSMITTAL

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is:

(X) Petition for Retroactive License Pursuant to 37 C.F.R. §5.25(in duplicate), with a check for \$130.00.

(X) If a Petition under 37 C.F.R. 1.136(a) for an extension of time for response is required to make the attached response timely and does not separately accompany this transmittal, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required to this application under 37 C.F.R. 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-2069. A duplicate copy of this sheet is enclosed.

300 South Wacker Drive-Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0800
Facsimile: (312) 360-9315
Customer Number 24978

P:\DOCS\0349\69065\534593.DOC

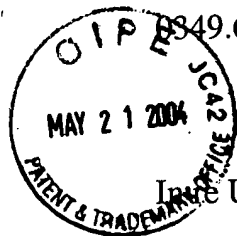
Respectfully Submitted,

GREER BURNS & CRAIN, LTD.

By

Joseph P. Fox
Registration No. 41,760

\$DHC
IFW



0349.69065

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor U.S. Application of:)

Applicant: Harold Ray Bettencourt, Jr. et al.)

Serial No.: 10/763,515)

Conf No.: not yet assigned)

Filed: January 23, 2004)

For: CONTROL FOR COOLING FAN)

Art Unit: not yet assigned)

Examiner: not yet assigned)

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

5/18/04
Date

Joseph P. Tye
Attorney for Applicant(s)
Registration No. 41,760

**PETITION FOR RETROACTIVE LICENSE
PURSUANT TO 37 C.F.R. § 5.25**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant's Attorney respectfully petitions for retroactive license in the above-identified application. Applicant's undersigned Attorney caused the above-identified application to be filed in Canada on April 20, 2004 without the grant of a foreign filing license. The undersigned, having first hand knowledge of the facts, hereby states that the filing of the Canadian application occurred through error and without deceptive intent. As required by 37 C.F.R. § 1.17(h), the fee for petition of \$130 is enclosed herewith.

05/24/2004 AWONDAF1 00000034 10763515

01 FC:1460

130.00 OP

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting patent grant, declares that he is properly authorized to execute this application on behalf of the Applicant; and that all statements made of his own knowledge are true, and statements made on information and belief are believed to be true.

Applicant's Attorney filed in Canada through error, and without deceptive intent, without the required license under 37 C.F.R. § 5.11 first having been obtained. The facts supporting the conduct that constitutes error without deceptive intent are as follows:

(i). On January 23, 2004, Applicant's Attorney filed the above-identified application in the United States.

(ii). Between January 23, 2004 and April 9, 2004, Applicant's Attorney failed to obtain a foreign filing license from the United States Patent and Trademark Office.

(iii). On April 9, 2004, to comply with Canadian statutes, Applicant's Attorney instructed the Canadian associate, Mr. Kevin Carton of the firm Moffat & Co., located at 427 Laurier Avenue West, 12th Floor, P.O. Box 2088, Station "D", Ottawa, Ontario, Canada K1P 5W3, to prepare and file no later than April 23, 2004, an application in Canada based on the above-identified U.S. Patent Application, for which the filing receipt had not yet been received.

(iv). The Canadian foreign associate filed the application in the Canadian Patent Office on April 20, 2004.

(v). The subject matter in question was not under a secrecy order at the time it was filed in Canada, and the subject matter in question is not currently under a secrecy order.

(e) Applicant's Attorney asserts that the filing of the application in Canada before the granting of a foreign filing license by the United States Patent and Trademark Office was done in error without deceptive intent. Applicant's Attorney further asserts that Canadian Patent Law necessitated filing the application in Canada before May 2004 in order to avoid Applicant's loss of rights due to the possible disclosure of the invention in May 2003.

Enclosed is the Petition fee pursuant to 37 C.F.R. § 1.17(h) for a retroactive license in the amount of \$130.00.

The Commissioner is authorized by the undersigned to charge any additional fees which may be required to this application, or credit any overpayment, to Deposit Account No. 07-2069. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-2069. A duplicate of this Petition is enclosed.


Respectfully submitted,

Customer No. 24978

GREER, BURNS & CRAIN, LTD.

May 18, 2004

300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315
P:\DOCS\0349\69065\533982.DOC

By 
Joseph P. Fox
Registration No. 41,760